

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

April 17, 2014

In the Matter of JEWELL Minors.

No. 318314

Lake Circuit Court

Family Division

LC No. 10-001412-NA

Before: METER, P.J., and O'CONNELL and SHAPIRO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to two children under MCL 712A.19b(3)(c)(i) (original conditions continue to exist), (3)(g) (failure to provide proper care and custody), and (3)(j) (reasonable likelihood of harm). We affirm.

We review for clear error the trial court's factual findings concerning an order to terminate parental rights. MCR 3.977(K); *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009). "A finding is clearly erroneous [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Rood*, 483 Mich at 91 (internal citations and quotation marks omitted). We must give regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011).

"Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights" *Id.* at 32. "[T]he preponderance of the evidence standard applies to the best-interest determination." *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013).

Respondent has tried to comply with services and participated in counseling. However, the evidence demonstrated that, because of her own past history of abuse, she suffers from such severe mental health issues that she is unable to provide a proper home environment for her children and is equally unable to protect them from the harm she exposes them to through her associations with inappropriate third parties. One such inappropriate association involved the children's stepfather, who was accused of sexually molesting respondent's daughter. While respondent attempted to argue at trial that the stepfather was no longer in the home, compelling testimony to the contrary was provided.

Trial testimony showed that although respondent had been offered a multitude of services over the course of years, her mental problems proved to be an insurmountable obstacle to

reunification because respondent's instability continued to make her unable to care adequately for herself, let alone her children. In addition, several witnesses indicated that it would likely be harmful to the children to return them to respondent's care. The trial court did not clearly err when it found that statutory grounds existed to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

Moreover, when the aforementioned evidence is coupled with the trial court's rightful finding that the children were in need of permanency, it is clear that trial court did not err when it found termination to be in the best interests of the children.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Douglas B. Shapiro